

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin J. Dowling
Serial No.: 10/045,604
Confirmation No.: 3464
Filed: October 23, 2001
For: SYSTEMS AND METHODS FOR DIGITAL
ENTERTAINMENT

Examiner: A, MINH D
Art Unit: 2821

MAIL STOP Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicant would like to bring to the Examiner's attention the following co-pending application(s)/issued patent(s):

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Atty. Docket No.</u>
09/989,677	11/20/2001	Dowling et al.	C1104.70095US00
10/951,122	9/27/04	Dowling et al.	C1104.70087US01

The above-identified co-pending application(s)/issued patent(s) may include technically-related subject matter and/or claims that may be similar to the present application. In handling prosecution of the above-identified application(s)/patent(s), the Examiner(s) for these other application(s)/patent(s) presumably search(es) for relevant prior art, and in some circumstances may be taking positions about prior art which may show one or more features that are similar to at least some of the features recited in the claims of the present application.

Accordingly, the Examiner in the present application is requested to review the entire file history of the above-identified application(s)/patent(s), including the pending claims, cited references, Office Actions, Responses, etc., to see whether there is any information that the Examiner believes may be relevant to the prosecution of the present application. It is assumed that the Examiner has access to the file histories of each of the above-identified application(s)/patent(s). However, if the Examiner would like copies of any or all of the information included in the file history of any of the above-identified application(s)/patent(s), the Examiner is asked to contact the undersigned representative. If the undersigned representative is not contacted by the Examiner with such a request, then the undersigned representative will assume that the Examiner has reviewed or will review the file history of the above-identified application(s)/patent(s).

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified PTO/SB/08):

The assignee of record in the present application, Color Kinetics Incorporated, received an Office Action dated March 20, 2007 from the Japanese Patent Office in Japanese Application Serial No. JP2002-546469 (the "JP469 application"), a foreign counterpart to co-pending U.S.

application serial no. 09/989,677 (the "677 application"). As indicated above in Part II, the '677 application is directed to subject matter generally related to that disclosed in the present application. An official translation of the Japanese Office Action is not yet available to the Applicants; however, for completeness, Applicants submit herewith a copy of the Japanese Office Action and the claims as pending in the JP469 application and list these on the attached PTO Form-1449.

The recent Office Action in the JP469 application cited publication JP57-157293 and JP2000-173783, the latter corresponding to U.S. Patent No. 6,611,297 to Akashi *et al.* ("Akashi"). Applicants note that Akashi is already of record in the present application, having been cited in an Information Disclosure Statement (IDS) dated May 20, 2004; for completeness, however, JP2000-17383 and JP57-157293 also are submitted herewith and listed on the attached PTO Form-1449.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

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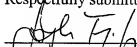
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



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Docket No.: C1104.70087US00
Date: June 29, 2007 **xNDDx**

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/045,604	ATTY. DOCKET NO.: C1104.70087US00
				FILING DATE: October 23, 2001	CONFIRMATION NO.: 3464
				APPLICANT: Kevin J. Dowling	
				GROUP ART UNIT: 2821	EXAMINER: A, MINH D
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FOREIGN PATENT DOCUMENTS

Examiner's Initials [#]	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		JP	2000-17383	A	Matsushita Electric Ind. Co. Ltd.	June 23, 2000	Abstract; also see U.S. Patent No. 6,611,297
		JP	57-157293			Sept. 28, 1982	No

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials [#]	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		Application Serial No. 09/989,677 filed 11/20/2001 (C1104.70095US00) Claims as Allowed	
		Application Serial No. 09/989,677 filed 11/20/2001 (C1104.70095US00) Notice of Allowance Dated 04/10/07	
		Application Serial No. 09/989,677 filed 11/20/2001 (C1104.70095US00) Office Action Dated 10/31/06	
		Application Serial No. 09/989,677 filed 11/20/2001 (C1104.70095US00) Office Action Dated 07/27/06	
		Application Serial No. 09/989,677 filed 11/20/2001 (C1104.70095US00) Office Action Dated 06/02/05	
		Application Serial No. 09/989,677 filed 11/20/2001 (C1104.70095US00) Notice of Allowance Dated 04/22/05	
		Application Serial No. 09/989,677 filed 11/20/2001 (C1104.70095US00) Office Action Dated 07/27/04	
		Application Serial No. 09/989,677 filed 11/20/2001 (C1104.70095US00) Office Action Dated 03/26/04	
		Japanese Application Serial No. 2002-546469 filed 11/20/2001 (C1104.70093JP) Claims as Pending	Yes
		Japanese Application Serial No. 2002-546469 filed 11/20/2001 (C1104.70093JP) Office Action Dated 03/20/07	No
		Application Serial No. 10/951,122 filed 09/27/2004 (C1104.70087US01) Office Action dated 5/15/07	

EXAMINER:	DATE CONSIDERED:
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[#] EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE - No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]